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COMMENTARIES ON THE CONSTITUTION OF THE UNITED STATES, HISTORICAL AND JURIDICAL. By Roger Foster. Vol. I. Boston: The Boston Book Company. 1895. pp. viii, 713.

Mr. Foster has undertaken a great work, great both in size and in importance. One volume has already appeared, and although this is a book of some 700 pages, yet such is the fulness with which the author has treated the Constitution, that the volume is confined to a discussion of merely the preamble and the first three sections. Notes and appendices, throwing side lights and bringing out historical settings, have added to the mass of materials which go to make this work a searching commentary. In order to arrange all this matter in a workable system the author has, after a considerable Introduction, taken up the clauses of the Constitution in their order, and grouped his observations about these texts. Sometimes, as in the question of impeachment, clauses scattered through the instrument, but bearing on the topic in hand, are collected and treated under one heading. Even with this systematic arrangement the work will need a careful index.

It is difficult to say how valuable this will be as a law book. It may be that the lawyer is not expected to rely on "commentaries historical and juridical," and indeed, so far as can be gathered from this first volume, the work is more for the student of political organizations and constitutional history than for the constitutional lawyer. To be sure, this volume hardly offers a fair test, as the first sections of the Constitution deal with political rather than with legal questions; yet when under the second section the author has an opportunity to deal with the question of direct taxes, he does so in the attitude rather of a historian than of a legal commentator. Moreover, in the introductory chapter, the origin of the power which our courts possess to deal with questions of constitutionality is indicated only by a passing remark here and there, whereas, were this intended to be a law book, it would have given more attention to this subject, which is at the foundation of all such judicial action. Whether future volumes may develop a more legal character or not, the work nevertheless cannot but be of great advantage to the lawyer in bringing out the historical aspect of the Constitution, for the element of interpretation which enters so largely into questions of constitutional law would often amount to little more than guess-work, were it not for the assistance afforded by history.

In spite of its fulness, the book reads easily. The expositions are clear, and the argumentative comments on questions of secession and on the political nature of the Constitution are forcible, and yet tempered by a just regard for all considerations. Not the least valuable part of the book is the interesting and often rare matter found in the notes.

H. W.

ELEMENTS OF DAMAGES. A Handbook for the Use of Students and Practitioners. By Arthur G. Sedgwick. Boston: Little, Brown, & Co. 1896. (The Students' Series.) pp. xvi, 336.

"This book," a companion volume to Beale's *Cases on Damages*, "is an attempt to review the law of damages, to state its principles so far as possible in the form of rules or propositions of law, such as a court might lay down to a jury, . . . and to illustrate these by the cases from which they have been drawn." The author, however, has not confined himself merely to stating rules and giving illustrations, but, by discussing principles

very thoroughly before laying down propositions, has greatly improved on this otherwise Procrustean method. The novel result is a combination of what is best in several systems, of discussions not only smooth and perspicuous, but readable and attractive, and of peculiarly felicitous propositions and terse, pertinent abstracts, the whole treated in a manner agreeable, and with a decided charm of its own.

In substance, too, this work, helpful alike to students and practitioner, forms a notable addition to the valuable series of which it is the latest. Mr. Sedgwick's knowledge of his, one might almost say, hereditary subject, is of the widest, and his recognition of the scope of a work of this character is thorough and well sustained. It is in no sense an abridgment of the exhaustive "Sedgwick on Damages," but a treatment based on very different considerations, with other purposes in mind. One is not, perhaps, ready to assent to all that is said; but even where Mr. Sedgwick's views do not convince, they fail, not through his shortcomings, but through their own inherent weakness. The undesirable distinction between recovery of consequences in contract and tort is, it would seem, somewhat overstated, in view of the case of *Welch v. Anderson*, 61 L. J. (n. s.) Q. B. 167, while the author's adherence to the doctrine of exemplary damages might well be thought unfortunate. The topical arrangement of the work, moreover, is too conservative, rather unscientific, and not particularly happy for the student's purpose; but these possible blemishes should avail little when weighed in the balance with its many positive virtues.

D. A. E.

THE LAW OF COLLATERAL AND DIRECT INHERITANCE, LEGACY, AND SUCCESSION TAXES. By Benj. F. Dos Passos, late Assistant District Attorney, New York County. Second edition. St. Paul, Minn.: West Publishing Co. 1895. 8vo, pp. xxii, 654.

Five years ago the first edition of this work was published, and it speedily became the standard treatise on a subject of constantly growing importance. Inheritance tax laws have since been enacted in seven more States. As a result, there is much new material, all of which is incorporated in the present volume. The appendix contains a valuable collection of statutes.

R. G. D.

AMERICAN ELECTRICAL CASES, with Annotations. Edited by William W. Morrill. Albany: Matthew Bender. 1895. Vol. IV., 1892-1894. 8vo, pp. xxvi. 911.

The work of collecting all the leading American cases which deal with electricity in its practical uses has now been brought nearly up to date. This volume, like its predecessors, is admirably arranged for reference, and with them constitutes an exceedingly valuable series. Nowhere else can one find the law of the telegraph and the street railway so conveniently set forth.

R. G. D.

THE GREEN BAG. Vol. VII., 1895. Boston: The Boston Book Co.

The latest bound volume of this clever law magazine has the same general appearance, both within and without, as had the previous volume. The high tone of its articles is maintained, and its sketches of courts, biographies of jurists, and general legal miscellany make it as interesting and amusing to the profession as ever.

H. C. L.